

Remarks

Claims 1, 4, 6-9, 11-15, 18 and 19 are under consideration.

Claims 2, 3, 5, 10, and 16-17 have been canceled.

Claims 1, 6, 7, 8, 9, 18, and 19 have been amended to address certain issues raised in the Office Action. Claim 4 has been amended to conform to the changes in claim 1. No new matter is added by these amendments.

Claim Objections.

Claims 6, 8, and 9 have been objected to for certain alleged informalities in the wording of the claims. Applicants gratefully acknowledge the Examiner's helpful suggestions for overcoming the objections. In response, Applicants have adopted the Examiner's suggestions.

Accordingly, claim 6 has been amended to replace the phrase "capable of expressing" with the term "encoding", and to specify that the gene is under the control of a promoter. This claim has also been amended to refer to the "virus other than a SIVsmmPBj14 virus" as a "non-SIVsmmPBj14 virus" for clarity and for consistency with the usage in other claims. Claim 7 has been amended to specify that the virus referred to is the "non-SIVsmmPBj14" virus, for consistency with the changes to parent claim 6.

Claim 8 has been amended to clarify that the envelope protein referred to in the claim is the "non-SIVsmmPBj14" envelope protein, as suggested by the Examiner.

The preamble of claim 9 has been amended to specify that the method is for making a pseudotyped SIVsmmPBj14 vector, and the phrase "a SIVsmmPBj14"" in part a) of the claim has been changed to "the SIVsmmPBj14".

Rejections Under the First Paragraph of 35 U.S.C. §112.

Claims 1, 4, 6-9, 11-15, 18 and 19 stand rejected as allegedly not complying with the enablement requirement. Applicants disagree.

The Office Action indicates that the specification is enabling for:

"a pseudotyped pSIVsmmPBj vector in which the SIVsmmPBj14 envelope gene is not expressed wherein the vector can transduce cells in a G₀ phase, a mitotic phase and a G₁ phase" (see page 3 of the Office Action).

Applicants agree with this statement. In fact, the present claims are directed to just such vectors and methods of preparing such vectors. For purposes of expediting allowance of the present claims, claim 1 has been amended as follows:

An isolated retroviral A pseudotyped SIVsmmPBj14 vector derived from a SIVsmmPBj14 virus, which that is capable of transducing cells in a G₀ phase, wherein the vector comprises a SIVsmmPBj14 viral genome in which at least a portion of the SIVsmmPBj14 env gene is deleted to render the envelope protein encoded by the env gene non-expressible, and which is capable of transducing cells in a G₀ phase, a mitotic phase, and a G₁ phase.

As such, amended claim 1 is directed to exactly what the Office Action indicates is enabled by the specification. Amended claim 1 incorporates the limitations of canceled claims 2 and 5. Claims 4 and 6-8 depend on claim 1, and simply add limitations supported, e.g., by the working examples on pages 6-8 of the specification. Similarly, method claim 9, 11-13, and 15 are also clearly enabled and supported by the specification and particularly by the working examples.

Claims 18 and 19 are directed to the embodiment described in the working examples on pages 6-8 of the specification, which utilized SIVsmmPBj1.9. As pointed out on page 6 of the specification, the SIVsmmPBj1.9 lentivirus is an infectious molecular clone derived from the SIVsmmPBj14 virus. In other words, SIVsmmPBj1.9 is a form of the SIVsmmPBj14 virus. It is unclear to Applicants why at least claims 18 and 19 have not been deemed to be enabled. In the interest of expediting prosecution, however, claims 18 and 19

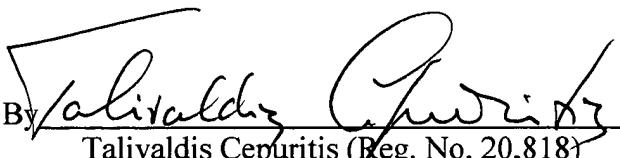
also have been amended in accordance with the amendments to claims 1 and 6. Accordingly, claims 18 and 19 clearly are enabled by the disclosures in the specification.

Conclusion.

In view of the foregoing, Applicants submit that the present claims are in form for allowance. Early such action, and passage of the application to issue is solicited

Respectfully submitted,

Dated: 28 January 2009

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